

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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ADVANCED CABLE TIES, INC., : **Civil Action 1:05-CV-10926-RWZ**

Plaintiff, : **ANSWER**

-against- :

BAY STATE CABLE TIES, LLC and :
STEPHEN DALTON, :

Defendants. :
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Defendants Bay State Cable Ties, LLC and Stephen Dalton as and for their answer to the complaint in this action removed from the Worcester Superior Court, allege as follows:

1. Plaintiff pleads by way of "Introduction" and "Jurisdiction" as to which no answer is required. To the extent an answer is called for, defendants deny these two sections of the complaint.
2. As to the allegations of paragraphs 6, 17, 18, 19, 20, 21, 22, 23, 24, 30, 31, 32, 33, 39, 40, 41, 43, 44, 45, 47, 48, 50, 52, 54, 55 and 56 of the complaint, defendants deny the allegations.
3. As to the allegations of paragraphs 1, 2, 10, 11, 12, 13, 14, 27, 29 and 35 of the complaint, defendants deny knowledge or information sufficient to form a belief as to the truth of the matters asserted.
4. As to the allegations of paragraph 3 of the complaint, defendants admit that Bay State is a Massachusetts limited liability company but deny that it maintains a principal place of business in the Commonwealth of Massachusetts. Bay State's principal place of business is in Crestview, Florida.

5. As to the allegations of paragraph 4 of the complaint, defendants deny that Dalton resides in the Commonwealth of Massachusetts. His principal residence is in Crestview, Florida.

6. Defendants admit the allegations of paragraphs 5, 7, 8, 9, 15, 16, 25, 26, and 34 of the complaint.

7. As to the allegations of paragraph 28 of the complaint, defendants refer to their answer to paragraph 7 of the complaint.

8. As to the allegations of paragraphs 36 and 37 of the complaint, defendants admit that the domain name has been assumed and re-registered by plaintiff.


9. As to the allegations of paragraphs 38, 42, 46, 49, 51 and 53, defendants repeat and reallege their answers to the allegations made in the paragraphs of the complaint incorporated by reference.

Affirmative Defenses

1. Plaintiff's claims for relief are barred by accord and satisfaction.
2. Plaintiff has not suffered any compensable harm by reason of defendants' conduct and is not entitled to recovery at law or in equity.

Dated: May 9, 2005

CURTIS, MALLET-PREVOST,
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